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July 14, 2007

Urs Ziswiler
The Ambassador of Switzerland
2900 Cathedral Ave. NW
Washington, D.C. 20008-3499
Tel: (202) 745 7900, Fax: (202) 387 2564
was.vertretung@eda.admin.ch

RE: Proceedings in the Federal Court of San Francisco No C 07 2782 WHA,

Your Ref: 454.1-BON

Dear Ambassador Ziswiler,

We are in receipt of your letter, dated July 5, 2007, on the subject of Hilsenrath et al. v. Swiss et al, case number 3:07 cv 3193 WHA.

In your letter you assert that:

1. You and your staff have read the complaint and concluded that the defendants in this case - Swiss instrumentalities and persons - are not subject to US federal jurisdiction due to sovereign immunity.
2. You contend that the Swiss government and instrumentalities were not properly served according to The Hague convention due primarily to the fact that the documents were not sent by a judicial officer.
3. You state that because you invoke the immunity clause the Swiss Central Authority is not willing to serve documents on the Swiss instrumentalities or persons even if service is reattempted.

We hereby notify you of the following in response:

1. We have updated the Swiss Central authority since the commencement of this case, that the case was reassigned to Hon. Judge William H. Alsup, thus the case bears the initials WHA.
2. If defendants Swiss et al. plan to invoke immunity as a defense in this case, this should be done by proper filing with the Federal Court, not in a correspondence with us.

Exh. A

3. The assertion that the documents were not served by a judicial officer is simply incorrect. Attached please find a copy of the Summons to Swiss at al. signed and sealed by the Clerk of the Court in San Francisco, Mr. Richard Wieking, as was presented to the Swiss Central Authority.
4. The letter signed by us in the package to the Swiss Central Authority was merely a courtesy to the Swiss staff handling the package, and did not replace the official court summons and complaint (attached).

We would like to draw your attention that precisely sixty days after your receipt of service - which occurred on June 4, 2007 - we shall move the District Court in San Francisco to enter default as to defendants Swiss Confederation, Attorney General, Holtkamp and Sautebin and proceed towards an application for default judgment pursuant to Federal Rules of Civil Procedure.

We strongly advise you to take proper steps and secure professional legal representation in compliance with the law of the United States that are hosting you and your staff in the nation's capital.

In summary and on a personal note, I am disappointed that you and your staff have reviewed the complaint to determine that you will attempt the refuge of immunity, but were not moved by the draconian conduct of your government instrumentalities and employees.

Very truly yours,

/S
HANA HILSEN RATH

/S
OLIVER HILSEN RATH

/Attachment: Summons and Complaint/

Copy to:

U.S. Department of Justice, Office of Foreign Litigation, Civil Division, Room 11001, 1100
L St., N.W., Washington, D.C. 20530

U.S. Department of State, Office of Austrian, German, and Swiss Affairs, Room 4228.
2201 C St., N.W., Washington, D.C. 20520